

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

October 23, 2024
LAURA A. AUSTIN, CLERK
BY: /s/T. Taylor
DEPUTY CLERK

JASON COLLEY,
Plaintiff,

Civil Action No. 7:23 -cv-00516

v.

OPINION and ORDER

DAVID COX,
Defendant(s).

By: Robert S. Ballou
United States District Judge

Plaintiff, proceeding *pro se*, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, while incarcerated. By its Order entered August 15, 2023, the court advised plaintiff that a failure to update his mailing address after a transfer or release from incarceration would result in dismissal of this action.

The court's mail to plaintiff has been returned as undeliverable, and plaintiff has not contacted the court since August 21, 2023. Plaintiff failed to comply with the court's Order requiring plaintiff to maintain an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court's August 15, 2023, Order. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating *pro se* litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)). Accordingly, this action is **DISMISSED without prejudice** and this matter is **STRICKEN** from the active docket of this court.

The Clerk is directed to send copies of this Order to the plaintiff.

Enter: October 22, 2024

/s/ Robert S. Ballou

Robert S. Ballou
United States District Judge